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Washington, Saturday, August 28, 1937

PRESIDENT OF THE UNITED STATES.

PANAMA CANAL TOLL RATES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS section 412 of title 2 of the said Code requires the President to determine the tonnage of vessels on which toll charges for the use of the Panama Canal shall be based, and fixes maximum and minimum rates of tolls; and

WHEREAS the act entitled "An Act to provide for the measurement of vessels using the Panama Canal, and for other purposes", approved August 24, 1937, which amends the said section 412 and which by its terms becomes effective March 1, 1938, provides, in part, that the tonnage on which tolls shall be based shall be determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal prescribed by the President, and fixes maximum and minimum rates of toll:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:

1. On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers and cargo, ninety (90) cents per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal.

2. On vessels in ballast without passengers or cargo, seventy-two (72) cents per net-vessel ton.

3. On other floating craft, including warships, other than transports, colliers, hospital ships, and supply ships, fifty (50) cents per ton of displacement.

The tolls prescribed by this Proclamation shall become effective on March 1, 1938, and on that date shall supersede the tolls prescribed by Proclamation No. 1225 of November 13, 1912.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of August, in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

By the President,
CORDELL HULL

FRANKLIN D. ROOSEVELT

Secretary of State.

[No. 2247]

[F. R. Doc. 37-2644; Filed, August 27, 1937; 10:37 a. m.]

RULES FOR THE MEASUREMENT OF VESSELS FOR THE PANAMA CANAL

By the President of the United States of America

A PROCLAMATION

WHEREAS section 412 of title 2 of the Canal Zone Code approved June 19, 1934, requires the President to determine the tonnage of vessels upon which toll charges for the use of the Panama Canal shall be based; and

WHEREAS the act entitled "An Act to provide for the measurement of vessels using the Panama Canal, and for other purposes", approved August 24, 1937, which amends the said section 412 and which by its terms becomes effective March 1, 1938, provides, in part, that tolls on merchant vessels, army and navy transports, colliers, hospital ships, supply ships, and yachts shall be based on net-vessels tons of 100 cubic feet each of actual earning capacity determined in accordance with the Rules for the Measurement of Vessels for the Panama Canal prescribed by the President and as may be modified by him from time to time by proclamation after public hearings and six months' public notice:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 412 of title 2 of the Canal Zone Code, approved June 19, 1934, do hereby prescribe and proclaim the Rules for the Measurement of Vessels for the Panama Canal which are annexed hereto and made a part of this proclamation.

The Rules for the Measurement of Vessels for the Panama Canal prescribed by this proclamation shall become effective on March 1, 1938, and shall on that date supersede the Rules prescribed by Proclamation No. 1258 of November 21, 1913.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.



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TABLE OF CONTENTS

Department of Agriculture:	Page
Agricultural Adjustment Administration:	
Notice of hearing, handling of milk, La Porte County, Indiana, Marketing Area.....	2074
Bureau of Agricultural Economics:	
United States standards for apples.....	2074
Bureau of Entomology and Plant Quarantine:	
Classification of barberry and mahonia plants under black stem rust quarantine regulations.....	2078
Department of Commerce:	
Bureau of Fisheries:	
Alaska fishery regulations, salmon.....	2078
Department of the Interior:	
Division of Territories & Island Possessions:	
The Alaska Railroad:	
Freight rates on shipments of live stock less than carload lots.....	2072
Instructions for checking baggage, etc.....	2073
Joint tariff of class and commodity freight rates, etc.....	2072
Special round-trip fares, etc.....	2071
National Bituminous Coal Commission:	
Order for hearing in the matter of:	
Nature and extent of intrastate commerce in bituminous coal in Kentucky.....	2073
Department of Labor:	
Immigration and Naturalization Service:	
Certain ports declared ports of entry for aliens arriving by aircraft.....	2078
Federal Communications Commission:	
Amendment to Rule 376, Telegraph Division.....	2079
Extension of the working date of Rule 981.....	2079
President of the United States:	
Executive Order:	
New Mexico, excluding certain lands from Carson National Forest.....	2071
Proclamations:	
Panama Canal toll rates.....	2061
Rules for the measurement of vessels for the Panama Canal.....	2061
Securities and Exchange Commission:	
Order fixing effective date for declaration:	
Old Dominion Power Co.....	2079

DONE at the City of Washington this 25th day of August in the year of our Lord nineteen hundred and thirty-seven and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President,
CORDELL HULL
Secretary of State.

[No. 22481]

RULES FOR THE MEASUREMENT OF VESSELS FOR THE PANAMA CANAL

EFFECTIVE MARCH 1, 1938

All Vessels to Present Tonnage Document at Canal

1. ARTICLE I. All vessels, American and foreign, except warships, floating drydocks, and dredges, including vessels of commerce and Army and Navy transports, colliers, supply ships, and hospital ships, applying for passage through the Panama Canal shall present a duly authenticated certificate stating the vessel's gross and net tonnage as determined by these rules. Vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships without such certificate shall, before passing through the Canal, or before being allowed to clear therefrom, be measured, and shall have their gross and net tonnage determined in accordance with these rules.

2. All warships, American and foreign, other than transports, colliers, supply and hospital ships, shall present duly authenticated displacement scale and curves stating accurately the tonnage of displacement at each possible mean draft.

Vessels Designated as "Supply Ships", "Colliers", and "Warships"

3. It is to be understood that "supply ships" shall include Army and Navy ammunition ships, refrigerator ships, distilling ships, repair ships and tenders, as well as Army and Navy vessels used to transport general Army and Navy supplies; and that "colliers" shall include Army and Navy vessels used to transport coal or fuel oil; and that "warships" shall include armed coast guard vessels and vessels devoted to naval training purposes.

GROSS TONNAGE

Spaces To Be Included in Gross Tonnage

4. ART. II. Gross tonnage as determined by these rules shall express the total capacity of vessels, i. e., the exact cubical contents of all spaces below the upper deck and of all permanently covered and closed-in spaces on or above that deck, excepting such spaces as may be hereinafter permitted as exemptions from measurement. Gross tonnage shall include not only all permanently covered and closed-in spaces which are or may be used for stowing cargo and stores or for providing shelter and other comfort for passengers or crew, but also such spaces as are used, or are intended to be used, in navigating and serving the vessel.

5. Only such spaces as are specifically mentioned in article IV, below, shall be exempted from measurement. All other spaces shall be considered as closed in and shall be included in gross tonnage.

Spaces Considered Permanently Covered and Closed In

6. ART. III. By permanently covered and closed-in spaces on or above the upper deck are to be understood all those which are separated off by decks or coverings, or fixed partitions, and which, therefore, represent an increase of capacity that is or may be used for the stowage of cargo, or for the berthing and accommodation of the passengers, the officers, or the crew. No break in a deck, nor any opening or openings in a deck or the covering of a space or in the partitions or walls of a space, nor the absence of a partition

shall prevent a space from being measured and comprised in gross tonnage if means are provided for closing such a break, opening or openings, so that the spaces thus closed in be thereby better fitted for the transport of goods or passengers. The upper deck is the uppermost full length deck extending from stem to stern.

7. In the case of a vessel having a "trunk" or "turret", the deck forming the covering of the trunk or turret shall be considered the upper deck, and all spaces below that deck within the trunk or turret shall be considered as covered and closed in. The space within the turret or trunk shall be measured as are other between-deck spaces.

8. Spaces considered as "permanently closed in" and spaces permitted to be exempted from measurement shall be determined solely by the provisions contained in these rules, and not by any definitions or provisions contained in the measurement rules or regulations of any country.

Spaces Exempted From Measurement and Gross Tonnage

9. ART. IV. The following spaces shall be exempted from measurement and shall not be included in the gross tonnage, and no other spaces shall be exempted:

10. SECTION 1. Spaces on or above the upper deck not permanently covered or closed in, or which may not be readily covered or closed in. In the application of this rule it will be understood that —

(a) Spaces under decks or coverings having no other connection with the body of the ship than the stanchions necessary for their support are not spaces separated off, but are spaces permanently exposed to the weather and the sea and are not to be included in the gross tonnage.

(b) A space within a poop, forecastle, bridge house, or other "permanently covered and closed-in" superstructure or erection may be considered as not permanently covered or closed-in, and may consequently be excluded from tonnage, if the space is opposite an end opening which is not provided with means of closing, and which opening has a breadth equal to or greater than half the breadth of the deck at the line of the opening, and if the space opposite the opening cannot be used to shelter other merchandise than cargo or stores that do not require protection from the sea. If the opening is fitted with a coaming, the space within it is to be included in the gross tonnage if the coaming is more than 2 feet in height. This provision shall be so applied as to exempt from measurement only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one-half the width of the deck at the line of the opening; provided, that any closed-in space between the open face and the line drawn parallel to it shall be measured. The remainder of the space within a poop, forecastle, bridge house, or other superstructure or erection shall be considered as available for the accommodation of cargo or stores, of passengers or of the ship's personnel, and shall be measured and included in the gross tonnage. (See figs. 1, 2, and 3.)

Should the open space within a poop, forecastle, bridge house, superstructure, or erection between the end opening and a parallel line distant from the opening by half the breadth of the deck become, because of any arrangement, except by convergence of fore and aft bulkheads, of less width than half the breadth of the deck, then only the space between the line of the end opening and a parallel line drawn through the point where the athwartship width of the open space within the poop, forecastle, bridge house, superstructure, or erection becomes equal to, or less than, half the breadth of the deck shall be exempted from measurement. (See figs. 4, 5, 6, and 7.) The remainder of the space within the poop, forecastle, bridge house, superstructure, or erection is to be included in the gross tonnage.

When two erections extending from side to side of the ship are separated by an interval the fore-and-aft length of which is less than the least half breadth of the

deck in way of such interval, then whatever be the breadth of the permanent end openings of the erections the entire erections, less the interval separating them, shall be measured and included in the gross tonnage. (See fig. 8.)

(c) In a poop, forecastle, side-to-side bridge house, or other "permanently covered and closed-in" superstructure or side-to-side erection the space directly in way of opposite openings, the height of which is at least 3 feet, in the side walls of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted. (See figs. 9 and 10.) Passages running fore-and-aft abreast the engine-room casing and open at both ends shall not be exempted. The deck erection including same shall be considered a side-to-side erection provided its outboard sides are flush with the hull of the vessel.

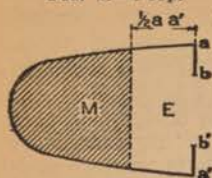
11. SEC. 2. Spaces in way of opposite side openings at least 3 feet in height not provided with means of closing shall be exempted. In the case of a continuous deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck, or under portions thereof, only the spaces under such a deck that are exactly in way of opposite openings at least 3 feet in height in the side walls of the ship not provided with means of closing and corresponding to each other in the opposite walls of the ship shall be exempted; and the remaining spaces under such a deck shall be measured and included in gross tonnage. In case the openings in the side walls of the ship are provided with means of closing no portion of the space under such a deck shall be exempted. (Fig. 11.)

12. SEC. 3. The spaces framed in round the funnels and the spaces required for the admission of light and air into the engine rooms shall be exempted from measurement to the extent that such spaces are above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck as defined in Art. III. A deck with one or more deck openings (usually designated as tonnage openings) that may be so closed as to permit cargo or stores to be carried in the space under the deck or portions thereof would be considered as the upper deck. There shall, however, be measured and included within gross tonnage the spaces situated within close-in side-to-side erections on the upper deck, spaces framed in round the funnels and those required for the admission of light and air to the extent that such light and air and funnel spaces are below the deck or covering of the first or lowest tier of such side-to-side erections on the upper deck. There shall be exempted from the measurement of any superstructure or erection situated above the first or lowest tier of side-to-side erections on the upper deck such portion or portions thereof as are occupied by the spaces framed in round the funnels or by the spaces required for the admission of light and air into the engine rooms. Such exempted spaces must not be used for any other than their designated purpose and must be reasonable in extent.

13. SEC. 4. Space or spaces between the inner and outer plating of the double bottom of a vessel shall be exempted from measurement, except when used, designated or intended for carrying cargo; but the tonnage of such spaces within the double bottom as are or may be used for carrying cargo, shall be determined and included in the gross tonnage. The tonnage of double bottom tanks available for cargo may be obtained by multiplying the liquid-capacity weight by the proper conversion factor to get tons of 100 cubic feet.

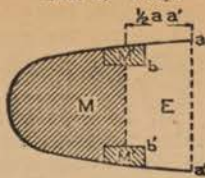
14. SEC. 5. The cubical contents of hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the underside of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 percent of the vessel's gross tonnage, exclusive of hatchways, and only the remainder shall be added to the gross

FIG. 1.—Poop.



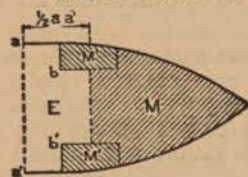
$bb' > \frac{1}{2} aa'$.
E=space exempted.
M=space measured.

FIG. 2.—Poop.



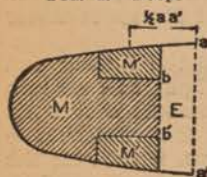
$bb' > \frac{1}{2} aa'$.
E=space exempted.
M'=closed-in houses, measured.
M=space measured.

FIG. 3.—Forecastle



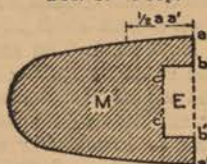
$bb' > \frac{1}{2} aa'$.
E=space exempted.
M'=closed-in houses, measured.
M=space measured.

FIG. 4.—Poop.



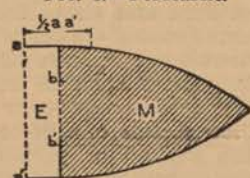
$bb' < \frac{1}{2} aa'$.
E=space exempted, measured.
M'=closed houses.
M=space measured.

FIG. 5.—Poop.



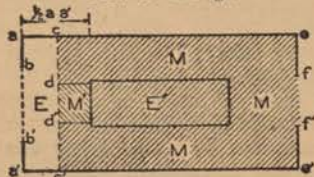
$bb' > \frac{1}{2} aa'$.
 $cc' < \frac{1}{2} aa'$.
E=space exempted.
M=space measured.

FIG. 6.—Forecastle.

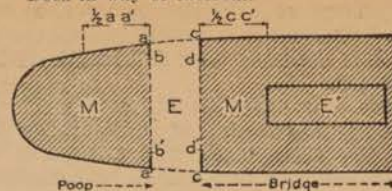


$bb' < \frac{1}{2} aa'$.
E=space exempted.
M=space measured.

FIG. 7.—Bridge.

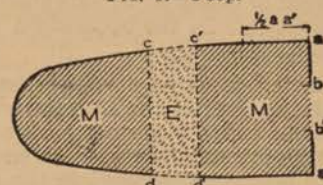


$bb' > \frac{1}{2} aa'$.
 $cd < \frac{1}{2} aa'$.
 $c'd' < \frac{1}{2} aa'$.
 $ff' < \frac{1}{2} ee'$.
E=space exempted.
E'=light and air and funnel space in lowest tier of erections, measured under Art. IV, Sec. 3.
M=space measured.
M'=closed house, measured.

FIG. 8.—Poop and Bridge with interval less than $\frac{1}{2}$ the least half breadth of the Deck in way of interval.

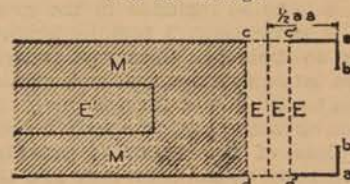
$ac < \frac{1}{2} aa'$.
 $a'c' < \frac{1}{2} aa'$.
 $bb' > \frac{1}{2} aa'$.
 $dd' > \frac{1}{2} cc'$.
M=spaces measured.
E=space exempted.
E'=light and air and funnel space in lowest tier of erections, measured under Art. IV, Sec. 3.

FIG. 9.—Poop.



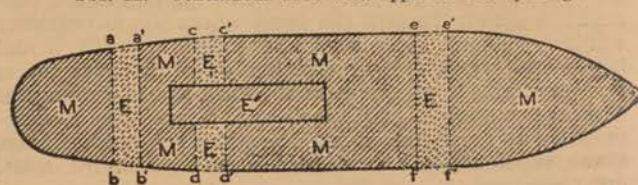
cc' and dd' =side openings under deck covering.
E=space exempted.
 $bb' < \frac{1}{2} aa'$.
M=spaces measured.

FIG. 10.—Bridge.



$bb' > \frac{1}{2} aa'$.
 cc' and dd' =side openings.
E=spaces exempted.
M=space measured.
E'=light and air and funnel space, in lowest tier of erections, measured under Art. IV, Sec. 3.

FIG. 11.—Continuous deck with opposite side openings.



(aa') (bb') (cc') (dd') (ee') (ff')=side openings.
E=spaces exempted opposite side openings below continuous deck.
M=spaces measured.
E'=light and air and funnel space, measured under Art. IV, Sec. 3.

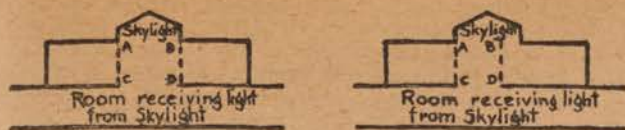


FIGURE 12.—Open spaces between skylight and opening.

tonnage of the ship, exclusive of the tonnage of the hatchways.

15. SEC. 6. Companion houses shall be exempted when used solely to protect stairways and ladders leading to spaces below. When used as smoking rooms or for any other purposes than companion houses, the parts so used shall be measured and included in gross tonnage.

16. SEC. 7. Domes, skylights, and airshafts shall be exempt from measurement. When there is an opening in the floor of a superstructure immediately below a skylight, the exemption shall include the space between the skylight and the opening in the floor of the superstructure immediately under the skylight. The remainder of the superstructure shall be included in the measurement. The space, in addition to the skylight, that may be exempted by this rule is that indicated by A, B, C, D in the following drawings:

17. ART. V. (This section was eliminated on recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.)

Spaces Available for Passengers Not To Be Exempted

18. ART. VI. Spaces for the use or possible use of passengers shall not be exempted from measurement except as stated in Article IV, section 1, paragraph (a).

19. In case of Army and Navy transports, colliers, supply ships, and hospital ships as defined in article I, the term "passengers" shall include all officers, enlisted men, and other persons who are not assigned to duty and who are not duly inscribed on the ship's rolls.

20. ART. VII (This section was eliminated on recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.)

Measurement of the Cubical Contents of Spaces May Be by The Moorsom System in Each Country, or by the Moorsom System as Prescribed in These Rules

21. ART. VIII. The cubical contents of the spaces included, by these rules, in gross tonnage may, in any country where the Moorsom system of measurement has been adopted, be ascertained under that system as applied in measuring vessels for national registry, provided that system is substantially similar to Moorsom system of measurement as set forth in article IX of these rules.

Rules for the Measurement of Contents of Spaces

22. ART. IX. In countries that have not adopted the Moorsom system of measuring spaces within vessels, the cubical contents of any of the spaces included in gross tonnage shall be ascertained according to the Moorsom system as set forth in the following rules; Rule I for the measurement of empty vessels; rule II for laden vessels; rule III for open vessels.

Rule I. For Measuring the Gross Tonnage of Empty Vessels

23. SEC. 1. The length for the admeasurement of ships having one or more decks is taken on the tonnage deck, which is—

(a) The upper deck for vessels having one or two decks.

(b) The second deck from below for vessels having more than two decks.

24. Measure the length of ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:

Class 1: Ships of which the tonnage deck is, according to the above measurement, 50 feet long or under, into four equal parts.

Class 2: Ships of which the tonnage deck is, according to the above measurement, above 50 feet long and not exceeding 120 feet, into six equal parts.

Class 3: Ships of which the tonnage deck is, according to the above measurement, above 120 feet long and not exceeding 180 feet, into eight equal parts.

Class 4: Ships of which the tonnage deck is, according to the above measurement, above 180 feet long and not exceeding 225 feet, into 10 equal parts.

Class 5: Ships of which the tonnage deck is, according to the above measurement, above 225 feet long, into 12 equal parts. (Note: A greater number of divisions is permissible provided there be an even number of divisions.)

25. In the case of a break or breaks in a double-bottom, the length of the vessel is to be taken in parts according to the number of breaks, and each part divided into a number of equal parts according to the class in the above table to which such length belongs.

26. SEC. 2. Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the traverse area of the ship at each point of division of the length or each point of division of the parts of the length, as the case may require as follows: Measure the depth at each point of division, from a point at a distance of one-third of the round of the beam below the tonnage deck, or, in the case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber (upper side of the inner plating of the double bottom) at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and the limber strake.

27. In the case of a vessel constructed with longitudinal framing, the depths are to be taken to the upper edge or inner surface of the longitudinal frames, where no double bottoms exist. In the case of a ship constructed with a double bottom, the depth shall be taken to the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber of the vessel. This rule for measuring the depth of the hold applies to double-bottom ships having top of double bottom not horizontal. Subject to the provisions of article IV, section 4 of these rules regarding the exemption of double-bottom spaces, if any tank or compartment between the inner and outer plating of the double bottom is used or fitted for the carrying of cargo, the tonnage of the whole of such tank or compartment shall be determined and included in the gross tonnage of the vessel.

28. If the depth at the midship division of the length does not exceed 16 feet, divide each depth into five equal parts; then measure the inside horizontal breadth at each of the

four points of division, and also at the upper point of the depth, extending each measurement to the average thickness in that part of the ceiling which is between the points of measurement. Number these breadths from above (i. e., numbering the upper breadth 1, and so on down to the fifth breadth); multiply the second and fourth by 4, and the third by 2; add these products together, and to the sum add the first breadth and the fifth. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area of the upper part of the section; then find the area between the fifth and lower point of the depth by dividing the depth between such points into four equal parts, and measure the horizontal breadths at the three points of division and also at the upper and lower points, and proceed as before, and the sum of two parts shall be deemed to be the transverse area; but if the midship depth exceed 16 feet, divide each depth into seven equal parts instead of five, and measure, as before directed, the horizontal breadths at the six points of division, and also at the upper point of the depth; number them from above, as before; multiply the second, fourth, and sixth by 4, and the third and fifth by 2; add these products together, and to the sum add the first breadth and the seventh. Multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed to be the transverse area of the upper part of the section; then find the lower part of the area as before directed, and add the two parts together, and the sum shall be deemed to be the transverse area.

29. This section applies to vessels with double bottoms, the tops of which have a rise from the middle line to each side. In vessels in which the top of the double bottom is horizontal, or in which there is no double bottom, the depths are to be divided by 4 or 6 (instead of 5 or 7), according to their midship depths do not or do exceed 16 feet respectively. In such cases no subdivision of the lower part is to be made.

30. In the case of ships built on the Isherwood system the depths are to be taken to the upper edge of the longitudinal frames, where no double bottom exists. In vessels built of concrete the depths and breadths shall be taken to the inner edge of the main frames. It is to be noted that section 2, paragraph 29, provides that in vessels without double bottoms no subdivision of the lower part of the transverse area is to be made. On ships built with transverse frames without double bottoms the depths are to be taken to the top of the transverse frames, and no subdivision of the lower section is necessary.

31. SEC. 3. Number the transverse sections or areas respectively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow, or of each part of the length, and the last number at the extreme limit of the length at the stern or the extreme limit at the after end of each part of the length; then, whether the length be divided according to the table into 4 or 12 parts, as in classes 1 and 5, or any intermediate number, as in classes 2, 3, and 4, multiply the second and every even-numbered area by 4, and the third and every odd-numbered area (except the first and last) by 2; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantity thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space, or cubical contents of each part if the ship is measured in parts under the tonnage deck. The tonnage of this volume is obtained by dividing it by 100, if the measurements are taken in English feet, and by 2.83 if the measurements are taken in meters. The multiplier 0.353 may be used instead of the divisor 2.83.

32. SEC. 4. If the ship has a third deck the tonnage of the space between it and the tonnage deck shall be ascertained as follows: Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and

divide the length into the same number of equal parts into which the length of the tonnage deck is divided, as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, etc., commencing at the stem; multiply the second and all the other even-numbered breadths by 4, and the third and all the other odd-numbered breadths (except the first and last) by 2; to the sum of these products add the first and last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in the manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

33. SEC. 5. If there be a break, a poop, or any other permanently covered or closed-in space on or above the upper deck (as defined above in article III) the tonnage of such space shall be ascertained as follows: Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of the space; then measure the mean height and multiply by it the mean horizontal area; divide the product by 100 (or by 2.83 if the measurements are taken in meters) and the quotient shall be deemed to be the tonnage of the space.

34. SEC. 6. In measuring the length, breadth, and height of the general volume of the ship or that of the other spaces, reduce to the mean thickness the parts of the ceiling which exceed the mean thickness. When the ceiling is absent, or when it is not permanently fixed, the length and breadth shall be reckoned from the main frames of the ship, not from the web or belt frames. The same principle is to hold in the case of deck erections; that is, the breadth is to be reckoned from the main framing or stiffeners of the same, when ceiling is not fitted. When the main framing of the ship is curved or carried upward and inboard so as to permit the building of top-side tanks or compartments outboard of the main framing, the breadth of the ship shall be reckoned from the outboard framing of such outboard tanks, thus including these tanks in the measurement.

Rule II. For Measuring the Gross Tonnage of Laden Ships

35. SEC. 7. When ships have cargo on board, or when for any other reason their tonnage cannot be ascertained by means of rule I, proceed in the following manner:

36. Measure the length on the uppermost full-length deck from the outside of the outer plank at the stem to the aft side of the sternpost, deducting therefrom the distance between the aft side of the sternpost and the rabbet of the sternpost at the point where the counterplank crosses it. Measure also the greatest breadth of the ship to the outside of the outer planking or wales at the middle perpendicular. Then, having first marked on the outside of the ship on both sides thereof the height of the uppermost full-length deck at the ship's sides, girth the ship at the middle perpendicular in a direction perpendicular to the keel from the height so marked on the outside of the ship, on the one side, to the height so marked on the other side, by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum, multiply the result by the length of the ship taken as aforesaid, then multiply this product by the factor 0.17 in the case of

ships built of wood, and by the factor 0.18 in the case of ships built of iron or steel. The product will give approximately the cubical contents of the ship, and the tonnage can be ascertained by dividing by 100 or by 2.83, according as the measurements are taken in English feet or in meters.

37. SEC. 8. If there is a break, a poop, or other permanently covered and closed-in spaces (as defined above in article III) on or above the uppermost full-length deck, the tonnage of such spaces shall be ascertained by multiplying together the mean inside length, breadth, and depth of such spaces and dividing the product by 100, or 2.83, according as the measurements are taken in English feet or meters, and the quotient so obtained shall be deemed to be the tonnage of the spaces, and shall be added to the other tonnage in order to determine the gross tonnage or total capacity of the ship.

Rule III. For Measurement of Open Vessels

38. SEC. 9. In ascertaining the tonnage of open ships, the upper edge of the upper strake of the shell plating is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

DEDUCTIONS FROM THE GROSS TONNAGE TO ASCERTAIN THE NET TONNAGE

(A) Deductions Allowed for all Vessels

39. ART. X. The following spaces (enumerated below in secs. 1 to 11 of this article) shall be deducted from the gross tonnage in order to ascertain the net tonnage of vessels not propelled by engines, and no other spaces shall be deducted. These deductions will also be allowed for vessels propelled by engines, with additional deductions for vessels propelled by engines, listed under (B) article XII. Unless otherwise expressly stipulated, these spaces shall be deducted whether located above or below the upper deck.

40. The volume or cubical contents of deducted spaces shall be ascertained in the manner specified in article VIII or article IX of these rules. The remainder, resulting from deducting from the total space included in gross tonnage the sum of the cubical contents of the spaces whose deduction from gross tonnage is permitted by these rules, shall be the Panama Canal net tonnage of vessels upon which tolls and other charges based upon net tonnage shall be paid by vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I) for passage through the Panama Canal. One hundred cubic feet, or 2.83 cubic meters, shall constitute 1 gross or net ton.

41. Spaces for the use, or possible use, of passengers (as defined in art. VI) shall not be deducted from the gross tonnage, except in so far as their deduction may be specifically provided for in the following sections (1 to 11) of this article of these rules.

Definition of Stores and Cargo Carried on Army and Navy Transports, Colliers, Supply Ships, and Hospital Ships

42. Spaces available for the stowage of stores (other than boatswain's stores) or cargo shall not be deducted from gross tonnage. In case of Army and Navy transports, colliers, supply ships, and hospital ships, as defined in article I, the term "stores (other than boatswain's stores) or cargo" shall include, in addition to goods or cargo ordinarily carried as freight on vessels of commerce, the following articles:

- (a) On transports, food, stores, luggage, accouterments, and equipment for passengers.
- (b) On colliers, coal, coaling gear, and fuel oil not for the use of the colliers.
- (c) On supply ships, stores, supplies of all kinds, distilling machinery and distilled water (other than fresh water stored in peak tanks for the vessels own use), machines, tools and material for repair work, mines and mining material, torpedoes, arms, and ammunition.

(d) On hospital ships, food stores for passengers, medical stores, and hospital equipment.

(e) Guns mounted on transports and supply ships, for defense of the ships, and ammunition required for use in such guns shall not be classed as cargo.

Deductions From Gross Tonnage Allowed Vessels in Determining Net Tonnage

43. SECTION 1. The tonnage of the spaces or compartments occupied by, or appropriated to the use of, the officers and crew of the vessel shall be deducted. The term "officers and crew" shall include the personnel inscribed on the ship's rolls, i. e., the ship's officers, engineers, doctors, apothecary, sick attendants, sailors, apprentices, firemen, mechanics, and wireless operators including clerks, pursers, stewards and other members of the personnel provided by the ship for the care of the passengers as well as armed guards on vessels of commerce. The spaces or compartments occupied by the officers and crew shall include their berthing accommodations, spaces provided for medical attention, including the medicine locker and dispensary, mess rooms, ward and dressing rooms, bath and washrooms, water closets, latrines, lavatories, or privies for their exclusive use, and passageways designed primarily for serving these spaces. Room provided for a pilot and so designated, shall be deducted, but spare rooms and linen lockers are not to be deducted.

44. SEC. 2. On hospital ships the spaces or compartments occupied by doctors, apothecary, and sick attendants duly inscribed on the ship's rolls, shall form part of the deduction under section I of this article. Spaces provided for the medical attention of the officers and crew of a hospital ship shall likewise be deducted; but spaces fitted for the transportation, or for the medical attention, of other persons than those duly listed in the ship's rolls shall not be deducted.

45. SEC. 3. The spaces appropriated to the use of the master shall be deducted.

46. SEC. 4. Cook houses, galleys, bakeries, laundries, and rooms for ice machines, when used exclusively to serve the officers and crew, and the condenser space, and distilling rooms, when used exclusively for condensing and distilling the water for the officers and crew, shall be deducted.

47. SEC. 5. Spaces used for anchor gear, including the chain locker; steering gear; capstan; the wheel house; the dynamo; the chart room used exclusively for keeping charts, signals, and other instruments of navigation; offices for the master, chief officer, and chief engineer; lookout houses; spaces for keeping electric searchlights, radio appliances, and wireless telephone apparatus; carpenter shop; fumigating and fire-fighting machinery; and other spaces actually used in the navigation of the ship, shall be deducted. Such spaces upon vessels of commerce as may be devoted to the mounting of guns and to the stowage of ammunition for the guns thus mounted shall be deducted. The deduction of all spaces, enumerated in this section, must be reasonable in extent and be subject to the limitations stipulated below in Article XI.

48. SEC. 6. In case of a ship propelled wholly by sails, any space, not exceeding 2½ percent of the gross tonnage, used exclusively for storage of sails shall be deducted.

49. SEC. 7. Spaces used exclusively for boatswain's stores, including paint and lamp rooms, shall be deducted. The deduction is not, however, to exceed 1 percent of the gross tonnage in ships of 1,000 tons gross and upwards, nor more than 75 tons in any ship however large. In vessels from 500 to 1,000 tons gross the limit is fixed at 10 tons and in vessels from 150 to 500 tons at not more than 2 percent of the gross tonnage. In vessels under 150 tons at not more than 3 tons.

50. Spaces used exclusively for engineer's shops shall be deducted. This deduction is in no case to exceed 5 percent of the actual propelling machinery space nor be more than 50 tons for any vessel.

51. SEC. 8. The space occupied by donkey engine and boiler shall be deducted even though not connected with the main pumps of the ship. The space occupied by the pumps used exclusively for handling feed water, ballast, bunker fuel, or for freeing the ship of water shall also be deducted, but the space occupied by the pumps used for handling cargo shall not be deducted.

52. SEC. 9. Passages and passageways designed primarily for serving deducted spaces shall be deducted.

53. SEC. 10. Water ballast spaces, other than spaces in the vessel's double bottom, shall be deducted if they are adapted only for water ballast, have for entrance only ordinary circular or oval manholes whose greatest diameter does not exceed 30 inches, and are not available for the carriage of cargo, stores, or fuel. Peak tanks shall also be deducted when adapted only for carrying fresh water for the vessel's own use, can be entered only as above stated, and are not available for the carriage of cargo or fuel. If used to carry oil or other fuel these spaces shall be regarded as part of the vessel's fuel space and shall not be subject to separate deduction.

Tonnage of tanks may be obtained by using liquid capacity times the conversion factor with one-sixth off for frames in case of peak tanks and one-twelfth off in case of wings or deep tanks when they cannot be readily measured.

54. SEC. 11. Spaces appropriated to the use of the passengers solely as public rooms shall be deducted. These shall include such spaces as social halls, smoking rooms, music rooms, libraries, lounges, dining saloons, gymnasiums, children's play rooms, elevators, foyers, promenades, veranda cafes, bar rooms, barber shops, novelty shops, and passageways designed primarily for serving such spaces. Water closet, toilets, lavatories and wash rooms designed primarily to serve public spaces will be considered as part of the public spaces and be deducted accordingly. Water closets, toilets, lavatories, baths and wash rooms designed primarily to serve nearby staterooms in the same tier will be considered as part of the staterooms they serve and not subject to deduction.

The Marking and Use of Deducted Spaces Shall be According to National Laws

55. ART. XI. Each of the spaces enumerated in article X, sections 1 to 11, unless otherwise specifically stated, shall be subject to such conditions and requirements as to marking or designation and use or purpose as are contained in the navigation or registry laws of the several countries, but no space, other than fuel spaces deducted under article XIII of these rules, shall be deducted unless the use to which it is to be exclusively devoted has been appropriately designated by official marking. In no case, however, shall an arbitrary maximum limit be fixed to the aggregate deduction made under article X.

(B) Additional Deductions Allowed for Vessels Propelled by Engines

56. ART. XII. The Panama Canal net tonnage upon which tolls and other charges based upon tonnage shall be paid by vessels of commerce, Army and Navy transports, colliers, supply ships, and hospital ships, as defined in article I, propelled by engines, for passage through the Panama Canal, shall be the tonnage remaining after the following deductions have been made from the gross tonnage. One hundred cubic feet, or 2.83 cubic meters, shall constitute 1 gross or net ton. Vessels propelled partly by sails and partly by engines shall be classed as "vessels propelled by engines."

Additional Deductions From Gross Tonnage Allowed Vessels Propelled by Engines

57. SECTION 1. The spaces specified above in article X shall be deducted from the space included in gross tonnage to ascertain net tonnage in the case of vessels propelled by engines as in the case of vessels not propelled by engines.

58. SEC. 2. The space occupied by the engines, boilers, coal bunkers, fuel oil tanks, including settling tanks, lubricating oil tanks, and shaft trunks of vessels with screw

propellers; spaces within a closed-in side-to-side erection that are framed in around the funnels or that are required for the introduction of light and air to the engine room to the extent that the framed-in spaces around the funnels and the light and air casings are located below the deck or covering of the first or lowest tier of such erections, if any, on the upper deck, as defined in article III, and are contained in closed-in side-to-side erections; spaces necessary for the proper working of the engines, and spaces occupied by the donkey engine and boiler when situated within the boundary of the engine room or within the light and air casing above the engine room and when used in connection with the main machinery for propelling the vessel, shall be deducted. When the shafts of screw propellers pass through open spaces not inclosed within tunnels, the spaces allowed in lieu of the tunnels must be of reasonable dimensions suitable for the vessel in question. When any portion of the engine or boiler rooms is occupied by a tank for fresh water, the spaces thus taken up shall not be deducted.

59. Donkey-engine and boiler spaces, when deducted according to article XIV below, shall not be made a separate deduction.

60. The portion of the framed-in spaces around the funnels and of the light and air casings that extend above the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in article IV, section 3, and surrounding the said space or spaces are exempted from measurement and form no part of the space deducted under this section.

61. SEC. 3. The deductions made for propelling power, including all those provided for in section 2 of this article, shall in no case exceed 50 percent of the gross tonnage. In other respects the spaces enumerated in section 2 shall, except as otherwise specifically stated, be subject to the requirements as to designation or marking and use or purpose contained in the navigation or registry laws of the several countries.

62. SEC. 4. The deductions made for propelling power provided for in section 2 of this article shall be made according to the provisions of article XIII or of article XIV, as the owner of the vessel may elect.

63. SEC. 5. This section was eliminated by recommendation of Special Committee on Panama Canal Tolls and Vessel Measurement Rules, 1936.

Propelling Power Deduction for Vessels With Bunkers Having Movable Partitions, or Having Fuel-Oil Compartments That May be Used to Stow Cargo or Stores

64. ART. XIII. In ships that do not have fixed bunkers, but transverse bunkers with movable partitions, with or without lateral bunkers, and in ships with fuel tanks which may be used to stow cargo or stores, measure the space occupied by the engine rooms, and add to it for vessels with screw propellers 75 percent and for vessels with paddle wheels 50 percent of such space.

65. By the space occupied by the engine rooms is to be understood that occupied by the engine room itself and the boiler room, together with the spaces strictly required for the working of the engines and boilers, with the addition of the spaces taken up by the shaft trunks in vessels with screw propellers, the spaces which enclose the funnels and the casings necessary for the admission of light and air into the engine room to the extent that such spaces are located below the upper deck (as defined in article III) or below a deck with openings, usually designated as tonnage openings, which may be so closed as to permit the carriage of cargo or stores under the deck or a portion thereof, and donkey-engine and boiler spaces when the donkey engine and boiler are situated within the boundary of the main engine room, or of the light and air casing above it and when they are used in connection with the main machinery for propelling the vessel. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question. When a portion of the space

within the boundary of the engine or boiler rooms is occupied by a tank or tanks for the storage of fuel oil, lubricating oil, or fresh water, the space considered to be within the engine room shall be reduced by the space taken up by the tank or tanks for fuel oil, lubricating oil, or fresh water. Note that fuel-oil settling tanks are not to be included in the propelling-power space, no matter where situated. Storerooms, dynamos, ice machine, etc., situated in the confines of the engine room and not bulkheaded off, may be included in engine-room space. If bulkheaded off, they shall not be included in engine-room space but be given separate deductions when they qualify under article X and then listed under item 5 on page 2 of the Panama Canal Certificate.

66. The cubical contents of the above-named spaces occupied by the engine room shall be ascertained in the following manner: Measure the mean depth of the space occupied by the engines and boilers from its crown to the ceiling at the limber strake; measure also three, or, if necessary, more than three, breadths of the space at the middle of its depth, taking one of such measurements at each end and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by, or required for, the proper working of the engines and boilers. Multiply together these three dimensions of length, breadth, and depth, and the product will be the cubical contents of the space below the crown. Then, by multiplying together the length, breadth, and depth, find the cubical contents of the space or spaces, if any, which are framed in for machinery, for enclosing the funnels, or for the admission of light and air, and which are located between the crown of the engine room and the uppermost deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined in article III. Add such contents, as well as those of the space occupied by the shaft trunk and by any donkey engine and boiler located within the boundary of the engine room or of the light and air casing above the engine room and used in connection with the main machinery for propelling the ship, to the cubical contents of the space below the crown of the engine room; divide the sum by 100 or by 2.83, according as the measurements are taken in feet or meters, and the result shall be deemed to be the tonnage of the engine and boiler room and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

67. If in any ship in which the space for propelling power is to be measured the engines and boilers are in separate compartments, the contents of each compartment shall be measured separately in like manner, according to the above method; and the sum of the tonnage of the spaces included in the several compartments shall be deemed to be the tonnage of the engine and boiler rooms, and shall be the tonnage taken as the basis for calculating the deduction for propelling power.

Propelling Power Deduction for Vessels with Fixed Bunkers, or Having Fuel-Oil Compartments That Cannot be Used to Stow Cargo or Stores

68. ART. XIV. When vessels are fitted with fixed coal bunkers or with fuel-oil tanks which cannot be used to stow cargo or stores, and when such bunkers, tanks, and fuel compartments have been certified by official marking to be spaces for the vessel's fuel, the deduction for propelling power may either be in accordance with the provisions of article XIII above, or by deducting the actual tonnage of the spaces enumerated in article XII, section 2, as measured in accordance with the following provisions, as the owner of the vessel may elect: Measure the mean length of the engine and boiler room, including the coal bunkers. Ascertain the area of three transverse sections of the ship (as set forth in the rules given in articles VIII or IX for the calculation

of the gross tonnage) to the deck which covers the engine. One of these three sections must pass through the middle of the aforesaid length, and the two others through the two extremities. Add to the sum of the two extreme sections four times the middle one, and multiply the sum thus obtained by the third of the distance between the sections. This product, divided by 100 if the measurements are taken in English feet, or by 2.83 if they are taken in meters, gives the tonnage of the space measured. If the engines, boilers, and bunkers are in separate compartments, measure each compartment, as above set forth, and add together the results of the several measurements. The bunkers measured for fuel deduction shall include only those bunkers that are absolutely permanent, from which the coal can be trimmed directly into the engine room or stoke-hole, and into which access can be obtained only through the ordinary coal chutes on deck and from doors opening into the engine room or stokehole. Thwartship bunkers that can be in any way extended are not to be included in the measurements for deductions. When any portion of the engine or boiler rooms is occupied by storage tanks for fresh water, the space considered to be within the engine and boiler rooms shall be reduced by the spaces taken up by the tanks for fresh water.

69. The contents of the shaft trunk shall be measured by ascertaining, and multiplying together, the mean length, breadth, and height. The product divided by 100, or 2.83, according as the measurements are taken in English feet or in meters, gives the tonnage of such space. When the shafts of screw propellers pass through open spaces not enclosed within tunnels, the spaces allowed in lieu of tunnels must be of reasonable dimensions suitable for the vessel in question.

70. The tonnage of the following spaces below the deck or covering of the first or lowest tier of side-to-side erections, if any, on the upper deck, as defined by article III, is ascertained by the same method, viz:

- (a) The spaces framed in around the funnels.
- (b) The spaces required for the admission of light and air into the engine room.
- (c) The spaces, if any, necessary for the proper working of the engines.
- (d) Spaces occupied by the donkey engine and boiler when used in connection with the main machinery for propelling the ship and when situated within the boundary of the engine room or of the casing above the engine room.
- (e) Tanks (other than double-bottom compartments) fitted for the storage of fuel oil and lubricating oil not already included by measurement under the provisions of paragraph 68.

No Space May Be Deducted Unless Included in Gross Tonnage

71. ART. XV. Under no circumstances shall any space which has not been included in the gross tonnage be deducted from gross tonnage.

Deducted Spaces, if Used, Must Be Added to Net Tonnage

72. The use of the whole or any portion of a deducted space, other than fuel spaces deducted under article XIII, to stow cargo of any kind or stores other than boatswain's stores, or to provide passenger accommodations, shall be evidence that the entire space thus wholly or partially occupied is a part of the actual earning capacity of the ship, and the entire space shall be added to, and become a part of, the net tonnage upon which Panama Canal tolls shall be collected.

Officials Authorized to Measure Vessels and Issue Certificates

73. ART. XVI. Only such officials as are authorized in the several foreign countries and in the United States to measure vessels and to issue tonnage certificates for purposes of national registry, and such other officials as are authorized by

the President of the United States, or by those acting for him, to measure vessels and to issue Panama Canal tonnage certificates, shall have authority to measure vessels for Panama navigation or to issue Panama tonnage certificates.

Tonnage Certificates Issued Under These Rules May be Corrected by Officials at the Panama Canal

74. ART. XVII. Tonnage certificates presented at the Panama Canal shall be subject to correction by the official or officials authorized by the President of the United States, or by those acting for him, to administer these measurement rules, insofar as may be necessary to make the certificates conform to these rules.

Panama Canal Tonnage Certificates

75. ART. XVIII. The Panama Canal tonnage certificates issued by the measurement authorities of the United States and the several foreign countries shall correspond in substance and form to the sample certificate appended to these rules. Blank certificates in English will be furnished by the Secretary of War or the Governor of the Panama Canal upon request of the measurement authorities of foreign countries. The measurement authorities of any foreign country may also provide themselves with Panama Canal measurement certificates printed in English or in the language of the foreign country, provided such certificates strictly correspond in substance and form to the sample certificate appended to these rules; and provided further, that if it is desired to have a certificate in the language of the foreign country, there must also be a corresponding certificate issued to the vessel in English.

RULES APPLYING TO VESSELS OF WAR, OTHER THAN ARMY AND NAVY TRANSPORTS, COLLIERIES, SUPPLY SHIPS, AND HOSPITAL SHIPS

Tolls Upon Warships Shall Be Levied Upon Actual Displacement Upon Arrival at Canal

76. ART. XIX. The toll on warships, other than Army and Navy transports, colliers, supply ships, and hospital ships, shall be based upon their tonnage of actual displacement at the time of their application for passage through the Canal. The displacement tonnage of such warships shall be their displacement before the vessels have taken on such coal, fuel oil, stores, or supplies as may be purchased and taken on board after arrival at the Canal for transit through the same.

"Warships" Defined

77. ART. XX. "Warships" in the meaning of articles XIX to XXIV shall be considered to be all vessels of war, other than Army and Navy transports, colliers, hospital ships, and supply ships, as defined in article I. Warships are vessels of Government ownership that are being employed by their owners for military or naval purposes.

78. ART. XXI. Every warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I) upon applying for passage through the Panama Canal shall, in order to facilitate the ascertainment of its mean draft, be anchored or placed at such station or location as shall be designated by the Governor of the Panama Canal or by the officials authorized to act for him.

Commander of Each Warship to Exhibit Vessel's Displacement Scale and Curves

79. ART. XXII. The commander of every warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I), applying for passage through the Panama Canal, shall exhibit for examination by the Governor of the Panama Canal, or by the officials authorized to act for the Governor of the Panama Canal, an official document containing the vessel's curve of displacement, its curves for addition to displacement for change of trim, and a scale so arranged that the displacement at any given mean draft is shown. Such document or documents shall be issued and be certified as correct by competent authorities of the government to which the vessel belongs.

Actual Displacement to be Determined, and to be Expressed in Tons of 2,240 Pounds

80. ART. XXIII. The actual displacement of warships shall be determined from their official displacement scale and curves, and shall be expressed in tons of 2,240 pounds. Should the displacement scale and curves of a warship show or state the vessel's displacement tonnage in metric tons of 2,204.62 pounds, the tonnage so expressed shall be multiplied by 0.9842 for the purpose of converting the tonnage into tons of 2,240 pounds.

Rule for Determining Displacement of a Warship Not Supplied With Displacement Scale and Curves

81. ART. XXIV. Should any warship, other than Army and Navy transports, colliers, supply ships, and hospital ships (as defined in art. I), apply for passage through the Panama Canal and, for reasons satisfactory to the Governor of the Panama Canal, not have on board the duly certified document or documents specified in article XXII, the Governor of the Panama Canal, or the officials authorized to act for him, shall then determine the displacement of the vessel, using such reliable data as may be available, or by taking such dimensions of the vessel and using such approximate methods as may be considered necessary and practicable. The displacement tonnage so determined shall be considered to be the displacement of the vessel.

Application and Interpretation of Rules

82. ART. XXV. The Board of Admeasurement of the Panama Canal is charged with the application of these rules and, subject to the approval of the Governor, all questions of interpretation arising thereunder shall be decided by the Board. In applying the rules the Board will be governed by the principle that there shall be no change in the present treatment of spaces except as herein provided, and with the approval of the Governor may provide for the treatment of any space for which provision has not herein been made.

PANAMA CANAL TONNAGE CERTIFICATE
[SEAL]

Name of vessel		Nationality		Type			
Official number	Signal letters	Port of registry	Registered tonnages		Length	Beam	Depth
			Gross	Net			
DETAILS OF PANAMA CANAL GROSS TONNAGE							
							Tons of 100 cubic feet
							Tons of 100 cubic feet
The spaces measured for gross tonnage in this ship comprise the following and no others, viz:							
1. Space or spaces under the tonnage deck, viz:							
(a) Space between tonnage deck and double bottom							
(b) Double-bottom compartments available for cargo under Art. IV, Sec. 4.*							
Total space under tonnage deck							
2. Space or spaces between the tonnage deck and uppermost full length deck							
Upper 'tween deck							
Lower 'tween deck							
Total							
3. Closed-in spaces in permanent constructions above uppermost full length deck:							
(a) Forecastle							
(b) Bridge space							
(c) Poop							
(d) Break or breaks							
(e) Turret space							
(f) Trunk space							
(g) Roundhouses							
(h) Side houses							
(i) Hatchways							
Total							
Total closed-in spaces on or above the uppermost full length deck							
5. Panama Canal gross tonnage							

*References are to articles and sections of the "Rules for Measurement of Vessels for The Panama Canal" 1937 Edition.

DEDUCTIONS FROM GROSS TONNAGE*

	Tons of 100 cubic feet	Tons of 100 cubic feet
1. Crew accommodations and passageways serving them:		
(a) Seamen.....tons, Firemen.....tons, Q'tern'ers.....tons		
D'keyman.....tons, Motormen.....tons, Apprentices.....tons		
P'pman.....tons, Greasers.....tons, Mess boys.....tons		
Electrician.....tons, Oilers.....tons, Cooks.....tons		
P'geways.....tons, ..., ...		
(b) Messrooms.....tons, ..., Hospital.....tons		
Bathrooms.....tons, ..., Med. Lkr.....tons		
2. Officers' accommodations and passageways serving them:		
(a) Ch. Officer's.....tons, Chief Engr's Cabin.....tons, Boatswain.....tons		
Cabin.....tons, ..., ...		
Ch. Officer's.....tons, Chief Engr's Office.....tons, Carpenter.....tons		
Office.....tons, ..., ...		
2d Officer.....tons, 2d Engineer.....tons, Radio Operator.....tons		
3d Officer.....tons, 3d Engineer.....tons, ...		
4th Officer.....tons, 4th Engineer.....tons, Steward.....tons		
.....tons, 5th Engineer.....tons, Doctor.....tons		
.....tons, 6th Engineer.....tons, Pilot.....tons		
.....tons, ..., ...		
Passageways.....tons, ..., ...		
(b) Messrooms.....tons, Engineers.....tons, Petty Officers.....tons		
(c) Bathrooms.....tons, Engineers.....tons, Petty Officers.....tons		
Officers.....tons, ..., ...		
(d) Master's C'bn Office.....tons, Bath.....tons		
Passageways.....tons, ..., W. C. tons		
3. Galleys, cookhouses, bakeries, etc., for exclusive use of officers, engineers and crew:		
Galley.....tons, Officers' Pantry.....tons, Bakery.....tons		
.....tons, Engineers' Pantry.....tons, ...		
4. Lavatories, water-closets, etc., for exclusive use of officers and crew, and passageways serving them:		
Seamen's W. tons, Officers' W. C. tons, Engineers' W. tons		
C.....tons, ..., ...		
Firemen's W. tons, Petty Officers' W. tons		
C.....tons, ..., ...		
5. Closed-in spaces used in working the ship, and passageways serving them:		
Wheelhouse.....tons, Anchor gear.....tons, Pump room.....tons		
Chart house.....tons, Dky. boiler.....tons, Dynamo.....tons		
Radio house.....tons, Carpenter shop.....tons, Fumigating.....tons		
Steering gear.....tons, ..., Ice machine.....tons		
6. Engineer's workshop limited under Art. X, Sec. 7:.....tons.		
7. Sailroom limited under Art. X, Sec. 6:.....tons.		
8. Boatswain's storerooms limited under Art. X, Sec. 7: Lamp room.....tons, Paint room.....tons, Total.....tons		
9. Water ballast spaces other than D. B. compartments: F. P. T. tons, A. P. T. tons, ...		
10. Peak Tanks for Fresh Water under Art. X, Sec. 10: F. P. T. tons, A. P. T. tons, ...		
11. Public Rooms as defined under Art. X, Sec. 11: (Itemized on page 3).....tons		
12. PANAMA CANAL NET TONNAGE (without deduction for propelling power).....tons		

FURTHER DEDUCTIONS FOR PROPELLING POWER IN CASE OF VESSELS PROPELLED BY ENGINES

	Tons of 100 cubic feet
13. (a) Engine room as measured (Arts. XII, XIII, XIV) Below deck.....tons, Tween deck.....tons, In bridge.....tons, In poop.....tons	
and (b) In a vessel with screw propellers +75 percent of engine room as measured (Danube Rule)	
or (c) In a vessel with paddlewheels +50 percent of engine room as measured (Danube Rule)	
or (d) With fixed coal bunkers or fixed tanks and compartments fitted for stowage of fuel oil	
14. Total deduction for propelling power limited under Art. XII, Sec. 3.....tons	
15. Panama Canal net tonnage (propelling power deduction by Arts. XII, XIII, or XIV).....tons	
16. Bunker fuel for BALLAST RATE limited to: Coal.....long tons or Oil.....long tons	

*All deducted spaces must be reasonable in extent and the use to which each is to be exclusively devoted must be appropriately designated by official marking.

Detailed list of Public Rooms and Passageways serving them deducted on Page 2, Item 10, under provisions of Art. X, Sec. 11. (Name the Deck and identify each space, stating separately the tonnage of each part deducted.)

SPACES NOT INCLUDED IN GROSS TONNAGE

[Information must be given concerning all spaces exempted from Gross Tonnage]

The following spaces have been exempted from Gross Tonnage and no others:

- Open Decks under Art. IV, Sec. 1 (a) (Name the deck and otherwise identify):
- Spaces opposite end openings under Art. IV, Sec. 1 (b) (State separately the dimensions and tonnages of parts exempted):
Forecastle.....
Bridge.....
Poop.....
- Spaces in way of opposite side openings under Art. IV, Sec. 1 (c) (State separately the dimensions and tonnages of parts exempted):
Forecastle.....
Bridge.....
Poop.....
- Spaces in way of opposite side openings under Art. IV, Sec. 2 (Name the deck and state separately the dimensions and tonnages of parts exempted):
- Spaces above lowest tier of side-to-side erections under Art. IV, Sec. 3 (Name tier and state separately the dimensions and tonnages of parts exempted):
Space framed in round funnels.....
Space framed in round light and air casings.....
- Double Bottom Compartments under Art. IV, Sec. 4 (Name or give numbers of compartments exempted):
- Companion Houses under Art. IV, Sec. 6 (State location, dimensions and tonnages of parts exempted):
- Domes, Skylights and Air Shafts under Art. IV, Sec. 7 (Name and state separately location, dimensions and tonnages of parts exempted):
- State any other particulars of exempted spaces

THIS IS TO CERTIFY that the..... Vessel above named has
(Nationality).....(Type).....
been measured in accordance with the Rules for Measurement of Vessels for the Panama Canal, and that the particulars of tonnage contained in this Certificate are correct.

Given under my hand at..... this..... day of..... 19.....
(Signature).....
(Official Position).....

[F. R. Doc. 37-2645; Filed, August 27, 1937; 10:37 a. m.]

EXECUTIVE ORDER

EXCLUDING CERTAIN LANDS FROM THE CARSON NATIONAL FOREST

New Mexico

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described lands in New Mexico, embraced in color of title application Santa Fe 058183, be, and they are hereby, excluded from the Carson National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 8 E., sec. 2, tracts 37, 38, and 39, 8.89 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

August 26, 1937.

[No. 7698]

[F. R. Doc. 37-2647; Filed, August 27, 1937; 12:00 m.]

DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[I. C. C. No. 237]

THE ALASKA RAILROAD—LOCAL PASSENGER TARIFF No. 189-B¹
NAMING ROUND TRIP SPECIAL FARES ON ROUND TRIP IDENTIFICATION CERTIFICATE PLAN FROM STATIONS ON THE ALASKA RAILROAD IN ALASKA TO ANCHORAGE, ALASKA, ACCOUNT AMERICAN LEGION DEPARTMENT CONVENTION, ANCHORAGE, ALASKA, SEPTEMBER 18, 19, 20, 21, 22, 1937, ISSUED UNDER AUTHORITY OF RULE 52, INTERSTATE COMMERCE COMMISSION TARIFF CIRCULAR No. 18-A; ISSUED AUGUST 11, 1937; EFFECTIVE SEPTEMBER 15, 1937

Issued by O. F. Ohlson, General Manager, Anchorage, Alaska. Confirmed, Ruth Hampton.

¹No supplement to this tariff will be issued except for the purpose of cancelling the tariff.

GENERAL RULES AND REGULATIONS

1. *Stations from and to which this tariff applies.*—This tariff applies from all rail line stations. This tariff applies only to Anchorage, Alaska. Conductors picking up passengers at non-agency station will handle passenger to first agency station where ticket must be secured from originating station to final destination.

2. *Conditions of sale.*—Round trip excursion tickets will be sold to delegates of the American Legion, and American Legion Auxiliary, and dependent members of their families, presenting round trip Identification Convention Certificates.

3. *Fare.*—Fare for adults (including children twelve years of age or over): The round trip excursion fare will be the normal one-way fare plus One Dollar (\$1.00). One-way fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

4. *Children.*—Children of five (5) and under twelve (12) years of age will under like conditions be charged one-half of fares authorized herein for adults except that sufficient is to be added to make fare end in an "0" or "5". Children under five (5) years of age will be carried free when accompanied by parent or guardian. Children twelve (12) years of age and over will be charged the same fare as authorized herein for adults.

5. *Tickets.*—Use Form L-14 Round trip excursion tickets.

6. *Baggage.*—For baggage rules including free allowances, excess charges, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering Commission Series), supplements thereto and reissues thereof. Excess baggage charges will be made on basis of the one-way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereto and reissues thereof.

7. *Tickets non-transferable.*—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

8. *Dates of sale.*—September 15, 16, 17, 18, 1937. The going trip must commence on the date stamped on ticket, and must be made by continuous passage to destination.

9. *Final return limit.*—September 26, 1937. The return trip may commence on any date within final return limit, and must be reached not later than midnight of final return limit.

10. *Stopovers.*—Stopovers will not be permitted in either direction.

11. *Route.*—Via The Alaska Railroad, direct route only.

[F. R. Doc. 37-2639; Filed, August 27, 1937; 9:37 a. m.]

JOINT TARIFF OF CLASS AND COMMODITY FREIGHT RATES BETWEEN SEATTLE AND TACOMA, WASHINGTON, AND POINTS ON ALASKA RAILROAD

SUPPLEMENT NO. 1 TO JOINT FREIGHT TARIFF NO. 5-E¹ NAMING CLASS AND COMMODITY RATES BETWEEN SEATTLE AND TACOMA, WASHINGTON AND POINTS ON THE ALASKA RAILROAD, AMERICAN YUKON NAVIGATION COMPANY IN ALASKA

The Alaska Railroad in connection with Alaska Steamship Company (FX 5 No. 5); American Yukon Navigation Company (FX 2 No. 1); Puget Sound Freight Lines (FX 5 No. 16).

Suspension of Rail and Water Service

Account closing of navigation season 1937 on the Tanana and Yukon Rivers in Alaska, transportation service via The Alaska Railroad, and American Yukon Navigation Company and connections, is hereby discontinued until April 15, 1938. For rules governing acceptance of shipments under this tariff, on and after that date, see Item 250 of tariff.

Issued under authority of Rule 12 of Interstate Commerce Commission Tariff Circular No. 20; Issued August 2d, 1937; Effective August 28, 1937 (Except as noted in individual items).

Issued by O. F. Ohlson, General Manager, Anchorage, Alaska; confirmed, Ruth Hampton.

¹ 2 F. R. 1166 (DI).

Dates on Which Service Will Be Suspended

	Date Service Suspended on Traffic From Seattle, Wash., Tacoma, Wash.	Date Service Suspended on Traffic to Seattle, Wash, Tacoma, Wash.
Minto, Alaska	August 28, 1937	September 25, 1937
Campbells, Alaska	August 28, 1937	September 24, 1937
Tolovana, Alaska	August 28, 1937	September 24, 1937
Duggan, Alaska	August 28, 1937	September 24, 1937
Baker, Alaska	August 28, 1937	September 24, 1937
Hot Springs Landing, Alaska	August 28, 1937	September 24, 1937
Tanana, Alaska	August 28, 1937	September 23, 1937
Birches, Alaska	August 28, 1937	September 22, 1937
Novikaket, Alaska	August 28, 1937	September 22, 1937
Kokrine, Alaska	August 28, 1937	September 22, 1937
Ruby, Alaska	August 28, 1937	September 22, 1937
Moloz, Alaska	August 28, 1937	September 22, 1937
Louden, Alaska	August 28, 1937	September 21, 1937
Galena, Alaska	August 28, 1937	September 21, 1937
Koyukuk, Alaska	August 28, 1937	September 21, 1937
Nulato, Alaska	August 28, 1937	September 21, 1937
Kaltag, Alaska	August 28, 1937	September 21, 1937
Blackburn, Alaska	August 28, 1937	September 20, 1937
Thompson, Alaska	August 28, 1937	September 20, 1937
Anvik, Alaska	August 28, 1937	September 20, 1937
Holy Cross, Alaska	August 28, 1937	September 19, 1937
Paimiut, Alaska	August 28, 1937	September 19, 1937
Russian Mission, Alaska	August 28, 1937	September 19, 1937
Okagamiute, Alaska	August 28, 1937	September 19, 1937
Marshall, Alaska	August 28, 1937	September 19, 1937
Rampart, Alaska	August 28, 1937	September 11, 1937
Stevens Village, Alaska	August 28, 1937	September 11, 1937
Beaver, Alaska	August 28, 1937	September 11, 1937
Fort Yukon, Alaska	August 28, 1937	September 11, 1937
Circle, Alaska	August 28, 1937	September 11, 1937
Eagle, Alaska	August 28, 1937	September 11, 1937

[F. R. Doc. 37-2640; Filed, August 27, 1937; 9:37 a. m.]

CIRCULAR COVERING FREIGHT RATES ON SHIPMENTS OF LIVE STOCK LESS THAN CARLOAD LOTS, ALASKA RAILROAD

[Freight Circular No. 51-C (Cancels Freight Circular No. 51-B)]

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, August 2nd, 1937.

To All Concerned:

In order to make clear the proper application of rates on livestock as named in Local Freight Tariff No. 16-B, I. C. C. No. 131,¹ effective July 28, 1937, the following is offered in connection with shipments of small livestock, less-than-carloads.

The C class rating, minimum \$5.00, as stated in Item 115 of Tariff 16-B may be applied on small livestock when shipped either loose or in boxes, cages, or crates. When shipped loose, the minimum weights as specified in current Western Classification under heading of "Minimum Weights, L. C. L.", must be observed except item No. 130 of Tariff 16-B to apply on calves, loose, six months old or under. When shipped in boxes, cages or crates, the C class rating, minimum \$5.00, at actual weight, will be applied.

When small livestock is shipped in boxes, cages, or crates, an alternate rate of first class, actual weight, no minimum, may be applied in accordance with Item 120 of Tariff 16-B. However, charges under this item must not exceed charges under Item 115.

Example.—(a) Shipment two calves under six months old, loose, Matanuska to Anchorage, actual weight of calves 250 pounds. Apply C class rate, minimum 750 pounds, minimum charge \$5.00. (Item No. 130.)

(b) Shipment two hogs, crated, Matanuska to Anchorage, actual weight of hogs 250 pounds. Apply 1st class rating, actual weight, making charge of \$2.40. (Item No. 120.)

(c) Shipment 300 lbs. crated pigs or other small live stock, Matanuska to Fairbanks, apply, actual weight, at "C" class rate, making minimum charge of \$5.00 (Item No. 115).

(d) Shipment 100 pounds crated pigs or other small live stock, Matanuska to Fairbanks, apply actual weight at 1st class, making charge \$4.06 (Item no. 120).

(e) Shipment 2 calves, (under six months old), loose, Matanuska to Fairbanks, apply 750 pounds minimum weight (Item No. 130) at the "C" class rate, making charge \$9.15.

¹ 2 F. R. 1573 (DI).

In mixed shipments of adult animals and calves, under six months of age, the minimum weight as per Western Classification will apply on the adult animals and minimum weights as shown in Item No. 130, Tariff 16-B will apply on the calves. In case of a minimum shipment, only one minimum charge will be made for the mixed shipment.

J. T. CUNNINGHAM,
Supt. Transportation.

Confirmed, Ruth Hampton.

[F. R. Doc. 37-2641; Filed, August 27, 1937; 9:37 a. m.]

INSTRUCTIONS FOR CHECKING BAGGAGE TO SEWARD DOCK, ALASKA, AND BEYOND TO POINTS ON LINE, ALASKA STEAMSHIP COMPANY

[Passenger Circular No. 140-C (Cancels Passenger Circular No. 140-B)]¹

THE ALASKA RAILROAD—TRANSPORTATION DEPARTMENT

ANCHORAGE, ALASKA, August 2nd, 1937.

To All Agents:

The following instructions cover method of checking baggage through to Seward Dock, also the checking of through baggage and corpse from stations on The Alaska Railroad to points on the line of The Alaska Steamship Company.

Checking of baggage to Seward dock.—Baggage may be checked from any rail line point through to Seward Dock at a charge of 25¢ per piece. Baggage check 264 Series 5, which is yellow in color with printed destination, will be used. These checks are charged to agents and at the end of each month to be reported on Form 594, accounting for each check issued at the above rate.

Excess baggage or C. O. D. baggage checked to Seward Dock will in addition to Excess or C. O. D. check also carry Transfer Tag, Form 264-6, which is yellow in color and printed "Seward Dock." These tags are also charged to Agents and at the end of each month to be reported on Form 594, accounting for each transfer tag issued at the rate quoted above.

Where a passenger boards train at non-agency station and desires baggage checked through to Seward Dock, baggage will be carried to first agency without check where Train Baggage man will secure checks from Agent and transfer charge collected by Agent at time baggage is checked. Seward Depot will carry a stock of these checks for handling of baggage put on train between Anchorage and Seward.

It frequently occurs that passengers have checked their baggage to Seward on regular local check and enroute desire to have their baggage transferred to Seward Dock. This practice causes confusion in both the accounting and handling of baggage and should be discontinued as far as practicable. However, in case it is necessary to make this change, passengers should be instructed to make the necessary changes on arrival at Seward Depot, in which case they would surrender their white checks and Seward Dock checks would be issued in exchange. Under no circumstances should baggage bearing white local checks be transferred between the Depot and Dock at Seward.

Checking of baggage beyond Seward dock on lines of Alaska S. S. Co.—Baggage may be checked from points on this line to points on the line of the Alaska Steamship Company, when presenting ticket of this line from originating station to Seward, and ticket of Alaska Steamship Company from Seward to destination. Interline baggage check Form 264, Series 3, will be used, and for each baggage check issued collect 25 cents to cover transfer between Seward Depot and Seward Dock. These checks are charged to Agents and at the end of the month are to be reported on Form 594, accounting for each check issued.

In case of baggage of excess weight, excess baggage charges to points beyond Seward will be collected as follows; which

are in addition to our excess baggage charge from point of origin to Seward:

Valdez, \$0.85 per 100 pounds.
Cordova, \$1.20 per 100 pounds.
Skagway, \$2.50 per 100 pounds.
Juneau, \$2.50 per 100 pounds.
Petersburg, \$3.10 per 100 pounds.
Wrangell, \$3.25 per 100 pounds.
Ketchikan, \$3.50 per 100 pounds.
Seattle,¹ \$5.45 per 100 pounds.

On interline excess baggage use Prepaid Local and Interline Excess Baggage Check #343, Series 1, showing proper destination and in addition Transfer Tag Form 264-6 will be used for which 25¢ is collected covering transfer of baggage bearing excess tag.

Checking corpse to Seward dock and beyond.—Corpse may be checked from any rail line point to Seward Dock or beyond at a charge of \$5.00 each. Prepaid Local and Interline Excess Baggage Check #343, Series 1, showing destination SEWARD DOCK, or beyond, will be used. Transfer Tags, Form 264-6, will not be used in connection with Excess Baggage checks covering movement Corpse. The transfer charge of \$5.00 covering transfer between Seward Depot and Seward Dock will be shown on excess baggage check.

Rules governing the checking on corpse over the line of the Railroad are found in Local Baggage Tariff No. 2, I. C. C. No. 22.

In checking corpse beyond Seward Dock, corpse escort must present first class adult tickets, one for escort and one for corpse reading from point of origin to Seward via this line, and from Seward to final destination via Alaska Steamship Co., and the corpse tickets reading from point of origin to final destination will be surrendered to the checking baggage agent at time of checking, who will transmit same with his monthly reports to the Accounting Department.

The transfer charge of \$5.00 covering transfer between Seward Depot and Seward Dock must be collected at time of checking and this amount shown on excess baggage check. Excess baggage checks must also show form, number, and destination of all corpse tickets and the number of excess check must be endorsed on each coupon of escort's tickets.

Agents will show on their baggage waybill to Train Baggage men the destination of transfer baggage covered by above mentioned checks, as SEWARD DOCK or beyond, reading the same as baggage check. Baggage checked to Seward on Local white checks Form 264, Series 1, 2, 4, or 7, will be delivered at the Seward Depot. When Transfer checks are used, both the baggage check and transfer check are to be shown on baggage waybill.

J. T. CUNNINGHAM,
Supt Transportation.

Confirmed, Ruth Hampton.

[F. R. Doc. 37-2642; Filed, August 27, 1937; 9:38 a. m.]

National Bituminous Coal Commission.

[Order No. 40]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KENTUCKY AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT LEXINGTON, KENTUCKY, ON OCTOBER 4, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other pur-

¹ Rules governing the checking of corpse over the lines of the Alaska Steamship Company are found under Rule No. 105, Page 5, of Alaska Steamship Company Local Passenger Tariff No. 253, S. B. No. P. 94.

¹ F. R. 685.

poses" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised by certain producers, producers' organizations, and other interested parties in a public hearing held at the Commission's Hearing Room at Washington, D. C., on the 12th day of July, 1937, that substantially all transactions in bituminous coal in intrastate commerce within the State of Kentucky directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Kentucky on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Kentucky would be desirable, and upon investigation hereby orders:

1. That on October 4, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Lafayette Hotel, Lexington, Kentucky, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Kentucky, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Kentucky in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Lexington, Kentucky, on October 4, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That this order and notice shall not be construed as making any person receiving a copy thereof a party to this proceeding within the provision of Section 6 (b) of the Act.

7. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Kentucky and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Kentucky in which bituminous coal is produced.

By order of the Commission.

[SEAL] F. WITCHER McCULLOUGH, *Secretary*.

Dated this 26th day of August, 1937.

[F. R. Doc. 37-2648; Filed, August 27, 1937; 12:10 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-47-1; O-47-1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

12 F. R. 1202 (DI).

Whereas, the Secretary of Agriculture, after due notice, caused a public hearing to be held in La Porte, Indiana, on June 28, 1937, in connection with a proposed marketing agreement and a proposed order regulating the handling of milk in the La Porte County, Indiana, Marketing Area which is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce in such milk, and the hearing was adjourned subject to being reopened by the Secretary of Agriculture. Among other things, the proposed marketing agreement and order provide for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of individual handler pools and a base rating scheme; (e) reports of handlers; (f) deductions from payments to producers for marketing services by the market administrator; (g) expense of administration; and

Whereas, the Secretary of Agriculture, having reason to believe it necessary and advisable to reopen said public hearing for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain, has determined to reopen said hearing;

Now, therefore, pursuant to Public Act No. 10, 73d Congress, as amended, and as reenacted by the Agricultural Marketing Agreement Act of 1937, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, notice is hereby given of the reopening of said hearing on a proposed marketing agreement and a proposed order regulating the handling of milk in the La Porte County, Indiana, Marketing Area. Said reopened hearing will be held in the office of the Market Administrator, Room 203, First National Bank Building, La Porte, Indiana, on August 30, 1937, at 1:30 p. m.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

This reopened public hearing is for the purpose of receiving additional evidence as to the general economic conditions now existing in said marketing area which may necessitate regulation in order to effectuate the declared policy of the act, and as to the specific provisions which a marketing agreement and order should contain.

Copies of the proposed marketing agreement and proposed order may be inspected or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-2650; Filed, August 27, 1937; 12:36 p. m.]

Bureau of Agricultural Economics.

UNITED STATES STANDARDS FOR APPLES

[Superseding standards now in effect promulgated July 21, 1931]

By virtue of the authority vested in the Secretary of Agriculture by the provision in the act of Congress entitled "An Act Making Appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes", approved June 29, 1937 (50 Stat. 395), or any future act of Congress conferring like authority, for the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, I, H. A. Wallace, Secretary of Agriculture, do make and promulgate the following standards for apples, effective on and after September 1, 1937, unless amended or superseded by standards hereafter prescribed and promulgated under such authority.

UNITED STATES STANDARDS FOR APPLES

INTRODUCTION

Numbers and letters in parentheses following grade terms indicate where such terms are defined on page 2076 under Definitions of Terms.

When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

When the apples are in bulk, percentages shall be calculated on the basis of weight.

GRADE REQUIREMENTS

U. S. Fancy shall consist of apples of one variety which are mature (1) but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (5); free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage (7) caused by russetting (7a), sunburn (7b), sprayburn (7b), limb rubs (7c), hail (7d), drought spot (7d), scars (7d), disease (7e), insects (7f), or mechanical or other means (7). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Tolerances and condition after storage or transit, page 2077.)

U. S. No. 1—The requirements for this grade are the same as U. S. Fancy except that less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be of one variety, mature (1) but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (5); free from decay, internal browning, internal breakdown, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage (7) caused by russetting (7a), sunburn (7b), spray burn (7b), limb rubs (7c), hail (7d), drought spot (7d), scars (7d), disease (7e), insects (7f), or mechanical or other means (7). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Tolerances and condition after storage or transit, page 2077.)

U. S. Commercial shall consist of apples of one variety which meet the requirements of U. S. No. 1 except as to color. This grade is provided for apples which are mature but which do not have sufficient color to meet the specifications of U. S. No. 1. (See Tolerances and condition after storage or transit, page 2077.)

U. S. No. 1 Early shall consist of apples of one variety which meet the requirements of U. S. No. 1 except as to color and maturity. Apples of this grade may have no red color and need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripen at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and condition after storage or transit, page 2077.)

U. S. Utility shall consist of apples of one variety which are mature (1) but not overripe (2), carefully handpicked (3), not seriously deformed (6); free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage (8) caused by dirt or other foreign matter, broken skins, bruises, russetting (8a), sunburn (8b), spray burn (8b), limb rubs (8c), hail (8d), drought spot (8d), scars (8d), visible water core (8e), disease (8f), insects (8g), or mechanical or other means (8). (See Tolerances and condition after storage or transit, page 2077.)

U. S. Utility Early shall consist of apples of one variety which meet the requirements of U. S. Utility except as to maturity. Apples of this grade need not be mature. This grade is provided for early varieties only, such as Oldenburg (Duchess of Oldenburg), Gravenstein, Lowland Raspberry (Liveland Raspberry), Red June, Summer Hagloe, Twenty Ounce, Wealthy, Williams, Bailey Sweet, Bietigheimer, and other varieties which ripen at the same period and which are often used for cooking rather than for eating out of hand. (See Tolerances and condition after storage or transit, page 2077.)

Combination grades—Combinations of the above grades may also be used as follows:

Combination U. S. Fancy and U. S. No. 1.

Combination U. S. No. 1 and U. S. Commercial.

Combination U. S. No. 1 and U. S. Utility.

Combinations other than these are not provided for in connection with the United States apple grades. When combination grades are packed, at least 50 percent of the apples in any container shall meet the requirements of the higher grade in the combination. (See Tolerances and condition after storage or transit, page 2077.)

U. S. Hail Grade shall consist of apples which meet the requirements of U. S. No. 1 except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted provided the apples are fairly well formed. (See Tolerances and condition after storage or transit, page 2077.)

Unclassified shall consist of apples which are not graded in conformity with any of the foregoing grades.

COLOR

In addition to the foregoing requirements for U. S. Fancy and U. S. No. 1, each apple of these grades must have the percentage of color shown in the table below.

For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety, except that an apple having color of a lighter shade of solid red or striped red than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade.

For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over the stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

Variety	U. S. Fancy	U. S. No. 1
Solid red:	Percent	Percent
Aiken Red	50	25
Arkansas Black	50	25
Black Ben	50	25
Detroit Red	50	25
Esopus Spitzenburg	50	25
Gano	50	25
King David	50	25
Lowry	50	25
Opalescent	50	25
Virginia Beauty	50	25
Winesap	50	25
Other similar varieties	50	25
Striped or partially red:		
Jonathan	50	25
Kinnard	50	25
McIntosh	50	25
Missouri Pippin	50	25
Other similar varieties	50	25

Variety	U. S. Fancy	U. S. No. 1
Striped or partially red—Continued.	Percent	Percent
Arkansas (Mammoth Black Twig)	33	15
Delicious	33	15
Baldwin	33	15
Gray Baldwin	33	15
Ben Davis	33	15
Bonum	33	15
Fameuse	33	15
Lambertwig	33	15
Nero	33	15
Northern Spy	33	1
Ontario	33	15
Paragon	33	15
Ralls (Geneton)	33	15
Rainier	33	15
Rome Beauty	33	15
Salome	33	15
Stayman Winesap	33	15
Sutton	33	15
Tompkins King	33	15
Wagener	33	15
Wealthy	33	15
Willowtwig	33	15
York Imperial	33	15
Other similar varieties	33	15
Stark	25	10
Hubbardston	25	10
Other similar varieties	25	10
Red June	33	(1)
Williams	33	(1)
Other similar varieties	33	(1)
Gravenstein	25	(1)
Jefferies	25	(1)
Oldenburg (Duchess of Oldenburg)	25	(1)
Red Astrachan	25	(1)
Shiawassee	25	(1)
Smokehouse	25	(1)
Summer Rambo	25	(1)
Twenty Ounce	25	(1)
Other similar varieties	25	(1)
Red cheeked or blushed:		
Hyde King	(1)	None
Maiden Blush	(1)	None
Monmouth (Red Cheeked Pippin)	(1)	None
Winter Banana	(1)	None
Other red cheeked or blushed varieties	(1)	None
Yellow or green varieties	(1)	(1)

¹ Tinge of color.

² Blushed cheek.

³ Characteristic color.

DEFINITIONS OF TERMS

As used in these grades:

1. *Mature* means having reached the stage of maturity which will insure the proper completion of the ripening process.

Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of maturity of apples:

(a) *Hard* means apples with tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(b) *Firm* means apples with tenacious flesh but becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(c) *Firm ripe* means with crisp flesh except that in apples of the Gano, Ben Davis, and Rome Beauty varieties the flesh may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(d) *Ripe* means mealy and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

2. *Overripe* means dead ripe, very mealy or soft, past commercial utility.

3. *Carefully handpicked* means that the apples do not show evidence of rough handling or of having been on the ground.

4. *Clean* means free from excessive dirt, dust, spray residue, or other foreign material.

5. *Fairly well formed* means that the apples may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

6. *Seriously deformed* means so badly misshapen that the appearance is severely affected.

7. *Damage* means any injury or defect which materially detracts from the appearance or keeping quality of the apples.

(a) Russetting which exceeds the following shall be considered as damage:

Russetting which is excessively rough on Roxbury Russet and other similar varieties.

Russetting on other varieties which covers a total area of more than 25 percent of the surface in the aggregate except that—

(1) Smooth, solid russetting which covers an area of more than 10 percent of the surface in the aggregate shall be considered as damage unless the russetting is within or continuous with that in the stem basin or calyx cavity, in which case an additional 15 percent shall be permitted provided that the total area covered shall not exceed 25 percent in the aggregate.

(2) Slightly rough russetting which covers an area of more than 15 percent of the surface if confined to the stem basin or calyx cavity or continuous therewith, or such russetting which covers an area of more than one-half inch in diameter if it is not continuous with the russetting in the stem basin or calyx cavity, shall be considered as damage.

(3) Rough russetting which is well within the stem basin and is not readily apparent shall be permitted, but any other rough russetting which exceeds one-quarter inch in diameter shall be considered as damage.

Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(b) Sunburn or spray burn which has caused blistering or cracking of the skin or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting (7a).

(c) Dark brown or black limb rubs which affect a total area of more than one-half inch in diameter or light brown limb rubs which affect a total area of more than 1 inch in diameter.

(d) Hail marks, drought spots, or other similar depressions or scars which are not superficial or where the injury affects more than one-half inch of the surface in the aggregate.

(e) *Disease*.—Scab spots which are not corked over or corked-over scab spots which affect a total area of more than one-fourth inch in diameter.

Cedar-rust infection which exceeds in the aggregate an area of one-quarter inch in diameter.

Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(f) *Insects*.—More than two healed insect stings or any healed insect sting which is over one-eighth inch in diameter exclusive of any encircling discolored ring.

Worm holes.

8. *Serious damage* means any injury or defect which seriously detracts from the appearance or keeping quality of the apples.

(a) Russetting which exceeds the following shall be considered as serious damage:

Smooth solid russetting which affects more than one-half of the surface in the aggregate, including any russetting in the stem basin, or rough or barklike russetting which detracts from the appearance of the fruit to a greater extent than the smooth solid russetting permitted

provided that any amount of russetting shall be permitted on Roxbury Russet and similar varieties.

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(b) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate, provided that no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Visible water core which affects an area of more than one-half inch in diameter.

(f) *Disease*.—Scab spots which are not corked over or corked-over scab spots which affect a total area of more than three-fourths inch in diameter.

Cedar-rust infection which exceeds in the aggregate an area of three-fourths inch in diameter.

Sooty blotch or fly speck which affects more than one-third of the surface.

(g) *Insects*.—More than five healed insect stings. Worm holes.

TOLERANCES FOR PRECEDING GRADES

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any container may be below the requirements of the grade, provided that not more than 5 percent shall be seriously damaged by insects and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay or internal breakdown.

When applying the foregoing tolerances to the combination grades no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers may not have less than 40 percent of the higher grade.

The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

CONDITION AFTER STORAGE OR TRANSIT

Decay, scald, or other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

SIZE REQUIREMENTS

The numerical count or the minimum size of the apples packed in a closed container shall be indicated on the package.

When the numerical count is marked on the container the apples shall not vary more than one-fourth inch in their transverse diameter.

When the numerical count is not shown the minimum size shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth

inches, as $2\frac{1}{2}$ inches minimum, $2\frac{3}{4}$ inches minimum, or $2\frac{5}{8}$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2\frac{1}{4}$ to $2\frac{3}{4}$ inches, or $2\frac{1}{2}$ to $2\frac{3}{4}$ inches, as such marking is especially desirable for apples marketed in the export trade.

"Size" means the transverse diameter of the apple taken at right angles to a line running from the stem to the blossom end.

In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any container may not meet the size requirements, provided that when the maximum and minimum sizes are both stated an additional 10 percent tolerance is provided for apples which are larger than the maximum size stated.

PACKING REQUIREMENTS

Each package shall be packed so that the apples in the shown face shall be reasonably representative in size, color, and quality of the contents of the package.

Boxes.—Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled, and all packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of over-filled packages. Apples packed in the standard northwestern apple boxes shall show a total bulge (top and bottom) of not less than three-fourths inch. Each wrapped apple shall be completely enclosed by its individual wrapper.

Baskets.—Apples packed in round-stave bushel baskets or tubs shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

Barrels.—Apples in barrels shall be tightly packed.

In order to allow for variations incident to proper packing not more than 5 percent of the containers in any lot may not meet these requirements.

MARKING

In order to conserve space, abbreviations may be used for marking the United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

1. U. S. Fcy. for U. S. Fancy.
2. U. S. No. 1 for U. S. Number 1.
3. U. S. Com. for U. S. Commercial.
4. U. S. Util. for U. S. Utility.

5. Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb." as "Comb. U. S. Fcy.—U. S. No. 1."

STANDARDS FOR EXPORT

As applied to condition factors.

1. The apples in any lot shall be generally tightly packed when in barrels or baskets and either generally fairly tight or tightly packed when in boxes.

2. Not more than 5 percent of the apples in any container shall be further advanced in maturity than firm ripe.

3. Not more than a total of 5 percent of the apples in any container shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors, except that—

(a) Not more than 2 percent shall be allowed for apples affected by decay.

(b) Not more than 2 percent shall be allowed for damage by internal breakdown.

(c) The apples shall be free from scald unless they are properly packed in oiled paper or have been especially treated with oil to prevent scald. When so packed or treated, not more than 2 percent of slight scald shall be permitted.

Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the require-

ments specified, provided that no sample from the containers in any lot is found to exceed double the percentages specified.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 26th day of August, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-2633; Filed, August 26, 1937; 12:32 p. m.]

Bureau of Entomology and Plant Quarantine.

B. E. P. Q.—385 (2d Rev.) August 24, 1937

CLASSIFICATION OF BARBERRY AND MAHONIA PLANTS UNDER BLACK STEM RUST QUARANTINE REGULATIONS

[Quarantine No. 38]¹

The rules and regulations supplemental to Notice of Quarantine No. 38, Revised, effective September 1, 1937, provide that no plants, cuttings, stocks, scions, buds, fruits, seeds, or other plant parts capable of propagation, of the genera *Berberis*, *Mahonia*, or *Mahoberberis*, "shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by these regulations on the interstate movement either of Japanese barberry (*Berberis thunbergii*) of any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation." (See Reg. 2-a.)

The protected States referred to below under group B are the seventeen barberry eradication States named in Regulation 2-a, quoted above. Barberry and *Mahonia* plants other than those listed in groups A and B may not be shipped interstate into any of the protected States.

S. A. ROHWER,
Acting Chief, Bureau of
Entomology and Plant Quarantine.

A. Barberries which may be shipped interstate to any State without permit or restriction:

Berberis thunbergii.
Berberis thunbergii atropurpurea.
Berberis thunbergii maximowiczii.
Berberis thunbergii minor.
Berberis thunbergii pluriflora.
Berberis thunbergii pluriflora erecta.

B. Barberries which may be shipped into or between protected States under Federal permit:

Berberis aemulans.
Berberis aquifolium (Mahonia).
Berberis beaniiana.
Berberis buxifolia.
Berberis candidula.
Berberis chenaultii (hybrid).
Berberis circumserrata.
Berberis concinna.
Berberis darwinii.
Berberis dictyophylla var. albicaulis.
Berberis diversifolia.
Berberis edgeworthiana.
Berberis gagnepainii.
Berberis gilgiana.
Berberis julianae.
Berberis koreana.
Berberis mentorensis.
Berberis nervosa (Mahonia).
Berberis potaninii.
Berberis repens (Mahonia).
Berberis sargentiana.
Berberis sanguinea.
Berberis stenophylla (hybrid).
Berberis triacanthophora.
Berberis verruculosa.

¹ 2 F. R. 1644 (DI).

Application for permits should be addressed to the Division of Domestic Plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington, D. C.

[F. R. Doc. 37-2632; Filed, August 26, 1937; 12:32 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Fisheries.

[No. 251-23-4]

ALASKA FISHERY REGULATIONS

AUGUST 26, 1937.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251,¹ twenty-third edition, issued under date of February 8, 1937, are hereby amended by the following regulation:

SOUTHEASTERN ALASKA AREA

South Prince of Wales Island District

Salmon fishery.—Regulation No. 6 is amended so as to prohibit commercial fishing for salmon, other than trolling, from 6 o'clock postmeridian August 27 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 15.

[SEAL]

J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 37-2643; Filed, August 27, 1937; 10:18 a. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[Thirteenth Amendment of General Order No. 229]

ENTRY PORTS FOR ALIENS ARRIVING BY AIRCRAFT—WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, AND DULUTH MUNICIPAL AIRPORT AND DULUTH BOAT CLUB SEAPLANE BASE, DULUTH, MINNESOTA

AUGUST 27, 1937.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C. Ti. 49, Sec. 177 (d)), the Duluth Municipal Airport and Duluth Boat Club Seaplane Base, Duluth, Minnesota, are hereby designated as permanent ports, and the Warroad Seaplane Base, Warroad, Minnesota, as a temporary port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended up to and including December 31, 1936, and subsequent thereto, by General Order No. 229, dated December 21, 1935, and amendments thereto is amended by adding the following after Detroit, Mich., Wayne County Airport: Duluth, Minn., Duluth Municipal Airport and Duluth, Minn., Duluth Boat Club Seaplane Base.

Subparagraph (b) of said Paragraph 3 is amended by adding the following after Tampa, Florida, International Airport: Warroad, Minn., Warroad Seaplane Base, and by striking therefrom the following: Duluth, Minn., Duluth Municipal Airport, and Duluth, Minn., Duluth Boat Club Seaplane Base.

[SEAL]

FRANCES PERKINS,
Secretary.

Approval recommended:

I. F. WIXON,
Deputy Commissioner of
Immigration and Naturalization.

[F. R. Doc. 37-2646; Filed, August 27, 1937; 11:23 a. m.]

¹ 2 F. R. 366 (DI).

FEDERAL COMMUNICATIONS COMMISSION.

AMENDMENT TO RULE 376

The Telegraph Division at its regular meeting held on August 17, 1937, adopted the following Order amending Rule 376:

ORDER

The Division, having under consideration the request of the American Relay League, Inc., for amendment of Commission's Rule 376 so as to permit type A-3 emission on the frequencies 28500-30000 kc inclusive, and

It appearing that public convenience, interest or necessity requires such amendment for the purpose of carrying out the provisions of the Communications Act of 1934, as amended,

It is ordered, That Rule 376 of the Rules and Regulations of the Federal Communications Commission be and the same is hereby repealed and the following substituted in lieu thereof:

376. *Frequency bands for telephony.*—The Following bands of frequencies are allocated for use by amateur stations using radio telephony, Type A-3 emission:

- 1,800 to 2,000 kilocycles.
- 28,500 to 30,000 kilocycles.
- 56,000 to 60,000 kilocycles.
- 400,000 to 401,000 kilocycles.

Provided, however, That the foregoing order shall be effective 30 days from the date hereof.

Provided further, That any person aggrieved, or whose interests may be adversely affected by such change in the Rules and Regulations may within said 30 day period file with the Commission in writing a protest and request for a public hearing upon this matter which protest shall be subscribed and verified by the protestant, and shall contain a statement of the protestant's interest in the matter, a request for public hearing, and a terse, yet complete, statement of facts which protestant expects to prove upon such hearing; and upon the filing of any such protest the Commission shall, upon determining that any such protest is properly filed and discloses a justifiable interest in the subject matter, suspend the effective date of the foregoing amendment and order a public hearing in this matter and such further proceedings therein as may be required by law or as the nature of the case may warrant.

By the Commission, Telegraph Division.

[SEAL]

T. J. SLOWIE, *Secretary*.

[F. R. Doc. 37-2630; Filed, August 26, 1937; 9:41 p. m.]

EXTENSION OF THE WORKING DATE OF RULE 981

The Broadcast Division, at its regular meeting on August 13, 1937, further extended the working date of Rule 981 for six months from September 15, 1937. This rule requires all relay, international, television, facsimile, high frequency

and experimental broadcast stations to have a frequency monitor in operation by September 15, 1936. This monitor does not have to be approved by the Commission but must have an accuracy of one half the allowed tolerance of the class stations with which it is to be used. The unavailability of commercial monitors on the market has necessitated this the third extension of the effective date of Rule 981.

[SEAL]

T. J. SLOWIE, *Secretary*.

[F. R. Doc. 37-2631; Filed, August 26, 1937; 9:41 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1937.

[File No. 43-71]

IN THE MATTER OF OLD DOMINION POWER COMPANY

[Public Utility Act of 1935]

ORDER FIXING EFFECTIVE DATE FOR DECLARATION REGARDING ALTERATION OF HOLDERS' RIGHTS OF STOCK OF SUBSIDIARY OF HOLDING COMPANY

[Pursuant to Section 7]

Old Dominion Power Company, a subsidiary of a registered holding company, having duly filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the alteration of holders' rights of 6,735 shares of its \$7 cumulative preferred stock, having no par value, by amending its articles of association to provide for the waiver and cancellation of all accumulated but unpaid or undeclared dividends on said preferred stock up to July 1, 1937 and to provide that cumulative dividends thereon shall commence to accrue on and from that date;

A hearing¹ on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That such declaration be and become effective forthwith on condition, however, that the alteration of the holders' rights of the aforesaid preferred stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-2649; Filed, August 27, 1937; 12:32 p. m.]

¹ 2 F. R. 1635 (DI).

